

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/11/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
ANGELA SPIVEY,	:	
	:	
Plaintiff,	:	
-against-	:	
	:	23-CV-3007 (VEC)
	:	
MCR DEVELOPMENT LLC d/b/a MCR	:	<u>ORDER</u>
HOTELS	:	
	:	
Defendant.	:	
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on April 10, 2023, Plaintiff filed a Complaint against Defendant MCR Development LLC; Compl., Dkt. 1;

WHEREAS Plaintiff alleges that this Court's subject matter jurisdiction in this matter is premised on diversity, *id.* ¶ 2;

WHEREAS "a limited liability company has the citizenship of its members," *see Jean-Louis v. Carrington Mortg. Servs., LLC*, 849 F. App'x 296, 298 (2d Cir. 2021);

WHEREAS a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs), *see Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51–52 (2d Cir. 2000); *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010);


WHEREAS the Complaint alleges that Defendant is a limited liability company that is incorporated under the laws of the State of Delaware and has a principal place of business in New York, *see* Compl. ¶ 7; and

WHEREAS the Complaint made no allegations as to the citizenship of the members of Defendant.

IT IS HEREBY ORDERED that by no later than **Friday, April 14, 2023**, Plaintiff must file an amended complaint that cures the deficiencies described herein or the complaint will be dismissed without prejudice for lack of subject matter jurisdiction.

SO ORDERED.

Date: April 11, 2023
New York, New York



VALERIE CAPRONI
United States District Judge